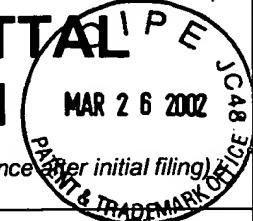


# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)



Application Number	09/933,323
Filing Date	08/20/2001
First Named Inventor	John B. Terry
Group / Art Unit	2611
Examiner Name	Not Assigned
Attorney Docket No.	0960-020
Technology Center 2600	

Total Number of Pages in This

4 \*

Submission

\*Excluding cited art

## ENCLOSURES (check all that apply)

- Fee Transmittal Form
- Fee Attached
- Amendment / Response
- After-Final
- Affidavits/declaration(s)
- Extension of Time Request
- Express Abandonment Request
- Information Disclosure Statement
- Certified Copy of Priority Document(s)
- Response to Missing Parts/ Incomplete Application
- Response to Missing Parts under 37 CFR 1.52 or 1.53

- Assignment Papers (for an Application)
- Drawing(s)
- Licensing-related Papers
- Petition Routing Slip (PTO/SB/69) and Accompanying Petition
- Petition to Convert to a Provisional Application
- Power of Attorney, Revocation Change of Correspondence Address
- Terminal Disclaimer
- Small Entity Statement
- Request for Refund

- After Allowance Communication to Group
- Appeal Communication to Board of Appeals and Interferences
- Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- Proprietary Information
- Status Letter
- Additional Enclosure(s) (please identify below):

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Copy of references cited  
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## Remarks

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## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name

Kevin E. Flynn

37,325

Signature

Date

03/18/2002

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

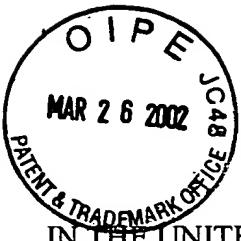
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PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Terry et al.	Attorney Docket:	0960-020
Serial No:	09/933,323	Examiner:	Not Assigned
Filed:	08/20/2001	Art Unit:	2611

Title: CAPACITY SCALING AND FUNCTIONAL ELEMENT REDISTRIBUTION  
WITHIN AN IN-BUILDING COAX CABLE INTERNET ACCESS SYSTEM

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**INFORMATION DISCLOSURE STATEMENT**

APR 25 2002

Assistant Commissioner for Patents  
Washington D.C. 20231

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Transmitted herewith is Form PTO/SB/08A providing material that may be relevant to the subject application. It is respectfully requested that these documents be considered by the Examiner and an initialed copy of the form be returned to the undersigned. It is believed that this disclosure complies with the requirements of 37 CFR §§ 1.56, 1.97 and 1.98 and the MPEP § 609. If for some reason the Examiner considers otherwise, it is respectfully requested that the undersigned be called so that any deficiencies can be remedied.

Submission of these documents is consistent with the broadest interpretation of the duty of disclosure. In accordance with the rule for patent prosecution, such a submission is not to be construed as an admission that the information cited in the Information Disclosure Statement is, or is considered to be, material to patentability as defined in §1.56. Applicant respectfully reserves the right to challenge a conclusion that any of the submitted material represents information constituting prior art to the present application or that the information that applicant has located would be of the type used by one of ordinary skill in the art in solving the problems addressed in the present application. The submission of these materials is consistent with the duty of disclosure and should not be interpreted as an indication that applicant has made a prior art search such that the Examiner should not undertake to conduct an independent prior art search.

Applicant submits material that is listed in an International Search Report for a corresponding PCT application. A copy of the Search Report is provided for the convenience of the Examiner. The International Search Report cites US Pat. No. 5,959,658 A (Gnauck et al.) as "X" art and points to Figure 1; Col. 4. Lines 1 to Col. 5 lines 32; and Col. 7, Lines 27-30. Please note that the Search Report deems each of the remaining four pieces of cited art to be merely a "document defining the general state of the art which is not considered to be of particular relevance."

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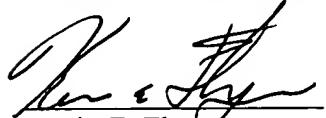
Attorney 37,325 Docket 0960-020  
Page 1 of 2

APR 03 2002

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Dated: March 18, 2002

Respectfully submitted,



Kevin E. Flynn  
Reg. No. 37,325

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Enclosures

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Substitute for form 1449A/PTO				Complete if Known	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>				Application	09/933,323
				Filing Date	08/20/2001
				First Named	Terry et al.
				Group Art Unit	2611
				Examiner Name	Not Assigned
				Attorney Docket	0960-020
				RECEIVED MAR 28 2002	
				Technology Center 2600	
Sheet	1	of	1		

## U.S. PATENT DOCUMENTS

## FOREIGN PATENT DOCUMENTS

Examiner  
Signature

Date  
Considered

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